IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 13868 of 2006(A)

PETITIONER:

MANGAT KORAN, AGED 82 YEARS,
S/O. LATE AMBU, MARIYANGALAM PALAM, KALLIASSERY,
KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.K.P.HARISH

RESPONDENTS:

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1. UNION OF INDIA,
REPRESENTED BY UNDER SECRETARY, DEPARTMENT OF
HOME AFFAIRS, FREEDOM FIGHTER'S DIVISION,
LOK NAYAK BHAVAN, NEW DELHI.

2. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL ADMINISTRATION, SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR, KANNUR.

R1 BY ADV. SRI. AJITH KRISHNAN, ADDL.CGSC
R2&3 BY G.P. SMT.SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/02/2007, THE COURT ON 01/02/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE SWATHANTHRA SAINIK SAMMAN PENSION SCHEME.

P2: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE R1.

P3: TRUE COPY OF THE PROCEEDINGS OF THE DISTRICT COLLECTOR, KANNUR DT.1.7.1988, SANCTIONING PENSION TO THE PETITIONER UNDER THE KERALA FREEDOM FIGHTER'S PESNION SCHEME.

P4: TRUE COPY OF THE CERTIFICATE ISSUED BY K.P.R.RAYARAPPAN.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.13868 of 2006

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Dated this the 1st day of February, 2007.

JUDGMENT

Prayer in the W.P. is for direction to second and third respondents to consider petitioner's case for SSS Pension(Central) and make recommendation to first respondent. The petitioner has relied on certificate issued by another freedom fighter pertaining to petitioner's involvement in the freedom struggle. Government Pleader submitted that the document relied on by the petitioner cannot be independently acted upon and petitioner is bound to furnish proof of his participation in the freedom fight. In the circumstances, W.P. is disposed of directing the petitioner to furnish whatever is the further materials or evidence available with him before third respondent for him to recommend petitioner's case, if eligible, to first respondent through second respondent. The third respondent is directed to take a decision after conducting enquiry and if petitioner is found eligible, forward report to the first respondent through second respondent within three months from the date of production of copy of this judgment by the petitioner. If favourable recommendation is made by the State Government, then there will be direction to the first respondent to consider Ext.P2

application along with the abovereferred report and pass orders within one month from the date of receipt of the report from the State Government.

C.N.RAMACHANDRAN NAIR
Judge

pms